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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

-----X
In re:

BERNARD L. MADOFF,

Debtor.

-----X
IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KRELLENSTEIN FAMILY LIMITED
PARTNERSHIP II OF 1999, a Delaware
Limited Partnership,

KRELLENSTEIN FAMILY ENTERPRISES, INC
a Delaware Corporation,

ELY KRELLENSTEIN REVOCABLE TRUST OF
1994, a Florida Trust,

ELY KRELLENSTEIN, as settlor, as

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04661(SMB)

trustee, and as an individual, :
SHIRLEY KRELLENSTEIN REVOCABLE :
TRUST OF 1994, a Florida Trust, and :
SHIRLEY KRELLENSTEIN, as settlor, as :
trustee, and as an individual. :
Defendants :
-----X

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Motion to Dismiss the Complaint, all prior papers and proceedings herein, and on such other and further arguments as may be presented prior to and at the hearing on the motion, the Defendants, by and through undersigned counsel, will move to dismiss the complaint filed in this instant adversary proceeding pursuant to Rule 12(b) of the Federal Rules of Civil Procedure made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure, before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 at hearing to be held on the motion at a date to be determined by the Bankruptcy Judge in accordance with the procedures applicable to adversary proceedings.

PLEASE TAKE FURTHER NOTICE that the motion will be subject to further submissions on a schedule to be determined by the Court.

Dated: October 20, 2014
New York, New York

AKERMAN, LLP

By: /s/ Michael I. Goldberg
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